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HOWARD I. ELMAN  
JOSEPH LEE MATALON  
BARBARA R. SHWEKY

YOSEF ROTHSTEIN

BY FAX (212-805-7986)

Hon. Paul G. Gardephe, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 920  
New York, New York 10007

August 11, 2010

**MEMO ENDORSED** IN R. ROSENBLUM

**The Application is granted.**

**SO ORDERED:**

Paul G. Gardephe  
Paul G. Gardephe, U.S.D.J.

Dated: Aug 23, 2010

Re: Heather Donahue v. Advanced Equities, Inc.  
(Case No. 09 Civ. 10447)

Honorable Judge Gardephe:

We are the attorneys for plaintiff Heather Donahue. We are writing pursuant to the terms of the April 23, 2010 Case Management Plan and Scheduling Order and Rule 1(E) of your Honor's Individual Practices, to jointly request with counsel for defendant Advanced Equities, Inc. ("Advanced") an extension of the end-date for fact discovery from August 23<sup>rd</sup> to September 30, 2010. (Third-party defendant, Frank Mazzola has not appeared in the action.) This is the first request for an extension by either party and the parties are not requesting an extension of any other dates contained in the Scheduling Order.

The parties respectfully make this request for two reasons. First, the volume of documents that the parties were required to deliver to their counsel for review and ultimate production was much greater than the parties anticipated at the time that the Court entered the Scheduling Order, and has required significantly more time than the parties contemplated. Specifically, Advanced delivered over 7,000 pages of emails to its counsel that may be responsive to Ms. Donahue's document requests. As the result of this volume, and as permitted by Paragraph 7 of your Honor's Scheduling Order, the parties previously agreed to extend the interim deadlines contained therein. The second reason for the request is that over the course of the past week, we have been engaged in settlement discussions and agreed to hold off on further work on discovery during this process. Late last week, counsel for Advanced made a settlement proposal which Ms. Donahue is currently contemplating. Ms. Donahue will respond to the proposal within the next day or two and if she rejects it, the parties will resume the discovery process.



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Counsel for the parties have worked cooperatively on all issues to-date and we will continue to do so in order to complete fact discovery by the new September 30<sup>th</sup> cut-off that we are jointly requesting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Howard I. Elman'.

JOINED IN THE REQUEST:

A handwritten signature in black ink, appearing to read 'Carol M. Goodman'.

Carol M. Goodman, Esq.  
Counsel to Advanced Equities, Inc.

cc: Carol M. Goodman, Esq. (by fax and email)